

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **People of MI v David Carroll**
Docket No. **259698**
L.C. No. **04-007134**

Michael J. Talbot, Judge, acting under MCR 7.211(E)(2), orders:

This cause is REMANDED to the trial court for a determination whether to appoint appellate counsel for the defendant-appellee. Matters pertaining to the appointment of an attorney are decided in the trial court. MCR 7.208(G). Counsel shall be appointed to represent the defendant on appeal if counsel was appointed to represent the defendant in the trial court. MCR 6.425(F)(1)(c)(iv). Counsel may be appointed if the defendant was not represented by appointed counsel during the trial court proceedings, if the defendant requests the appointment of counsel on remand and is indigent.

If the circuit court decides that an appointment of appellate counsel is warranted, then the circuit court shall send a copy of the order of appointment to this Court and the prosecuting attorney in this matter, David A. McCreedy, who in turn shall serve the application for delayed appeal upon appointed counsel within seven days and provide this Court with a proof of service. The time for filing an answer to the application shall begin upon service of appointed appellate counsel.

This Court retains jurisdiction.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

MAY 11 2005

Date

Sandra Schultz Mengel
Chief Clerk